Division of Surface Water Updates

One Water

Government & Regulatory Affairs Workshop

Ohio Environmental Protection Agency

Rules: Process Overview

PESO

- PRE – External Stakeholder Outreach

ESO

- External Stakeholder Outreach

- Ohio EPA Rule Drafting -

IPR

- Interested Party Review

- CSI Office Review -

Ohio Environmental Protection Agency

Rules: Process Overview

Original File

- Propose rules (first filing w/JCARR)
- Public hearing required.

- Attend JCARR Hearing -

Final File

- Adopt rules into Ohio Administrative Code (second filing w/JCARR)

***Rules List-serve**

Ohio Environmental Protection Agency

DSW - Rules

PESO

Environ Monit Assess (2018) 190:55
https://doi.org/10.1007/s10661-017-6422-4

CrossMark

Eutrophication endpoints for large rivers in Ohio, USA

Robert J. Miltner

- Chlorophyll and BOD as indicators
- April Outreach

Ohio Environmental Protection Agency

Large River Nutrient Rules

Friday April 6

- District 3 ODOT
- **Ashland**

Wednesday April 4tt

- Business Solutions Center in Dayton
- Montgomery County Business Solutions Center
- 1435 Cincinnati Street, **Dayton** 45417

Wednesday, April 11

- ODOT, Office of Aviation
- 2829 West Dublin-Granville Road
- **Columbus**

Ohio Environmental Protection Agency

DSW - Rules

ESO

Rules in Early Development:

- Pretreatment and IDP Rules (OAC Ch 3745-3 and -36)
  - Reorganization/separation – will be stand alone rules
- Connection Ban Standards (OAC Ch 3745-11)
  - Considering a “no change” rulemaking
  - Comments were due 3/1/18

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DSW - Rules

ESO

Rules in Early Development:

- PTI: Onsite Rule (OAC 3745-42-13)
  - Considering design standards for onsite NON-RESIDENTIAL sewage treatment systems
  - Make consistent with ODH 2015 residential standards
- TMDL Rule (OAC 3745-2-12)
  - Incorporation of requirements from HB 49

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Existing TMDLs

Approved by U.S. EPA **before** March 24, 2015

- Valid and remain in full force and effect
- 56 TMDL projects approved by U.S. EPA from 2000 through 2014

Ohio Environmental Protection Agency

New TMDLs

Approved by U.S. EPA **after** March 24, 2015

- Stakeholder involvement opportunities throughout process
  - Study plan
  - Biological and water quality report
  - Loading analysis plan - modeling approach, WQ targets
  - Preliminary modeling results - load allocations, wasteload allocations, permit limits, etc
- Notify – dischargers, indirect dischargers, SWCDs & other stakeholders

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TMDLs Already in the Works

- Provide at least **two** opportunities for stakeholder input
- 49 projects in various stages of development

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DSW - Rules

Triennial Review Wave 1

3745-1-01: Purpose and applicability

- Added criteria covering harbor or navigation maintenance activities in support of law banning open lake disposal by 2020

3745-1-04: Criteria applicable to all waters

- Revised threshold bacteria counts
  - 576 per hundred milliliters to 1030 per hundred milliliters

Adopted rules. Effective 1/2/18

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DSW - Rules

IPR

Rules in Development:

Triennial Review Wave 2

- Definitions of terms and use designations
- Address U.S. EPA's new human health criteria (94 chemicals)
- Variances (process change in federal regs) and mixing zones
- Adding frequency and duration language
- National criteria: ammonia, cadmium
- Ohio EPA criteria: fluoride, strontium, barium, peracetic acid

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DSW - Rules

ESO

Rules in Development:

Triennial Review Wave 3

- Antidegradation
- List of high quality waters

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DSW - Rules

IPR

Rules in Development:

- Water Quality Certified Professional (WQCP) Program
  - Finalizing language. Requirements listed in statute: OAC 6111.30 (J)
- Storm Water and General NPDES Permits
  - Drafting language to mirror federal rules

Ohio Environmental Protection Agency

DSW – Rules

IPR

Rules out for comment:

- PTI: Design flow and waste strength for 100,000 gpd or less (OAC 3745-42-05)
    - Considering up to 30% design flow reduction for treatment works, based upon the installation of **low flow fixtures** or **water saving devices** at the source of wastewater generation
    - Comment deadline was 2/23/18

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Future Legislative Initiatives

Statewide phosphorous permit limit:

- To address threats to public water systems, recreation on inland lakes and other downstream problems associated with excess nutrients
- Currently the major POTWs in the Lake Erie Basin have a total phosphorous limit of 1 mg/L
- Michigan, Wisconsin, Indiana and Minnesota have also placed a limit on phosphorous at 1 mg/L or lower
- **Far-field concerns!**

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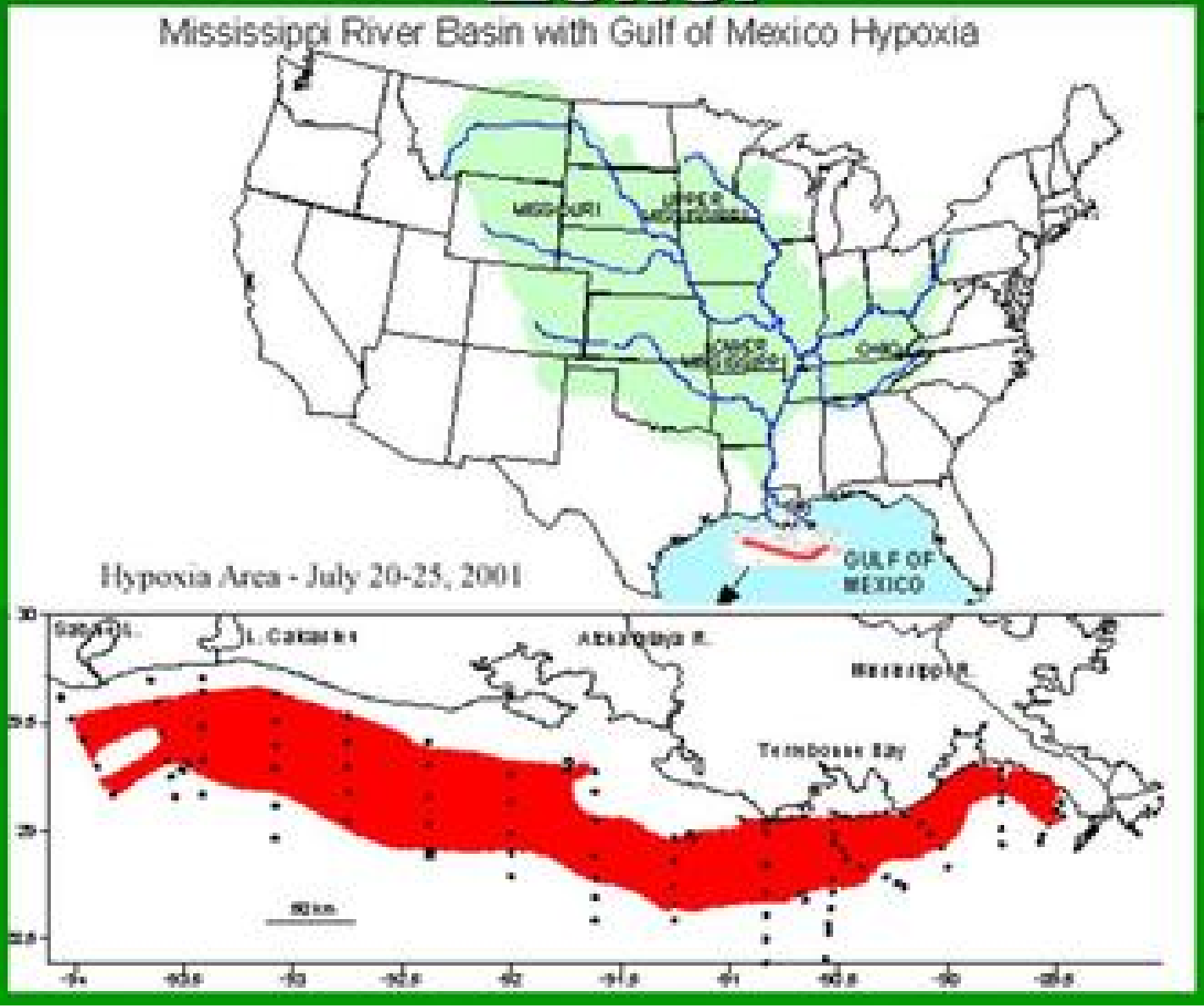
Ohio River – 600 mile algal bloom 2015

The Gulf of Mexico Hypoxia Zone:



Lake Erie

S.B. 1 Optimization - Survey Results

- 112 reports from Major Facilities - 100% compliance!
- About 20 plants indicated they can meet 1.0 mg/L currently without any upgrades
- That leave about 92 Majors that would need to perform additional treatment or upgrades to meet a new phosphorus limit of 1 mg/L

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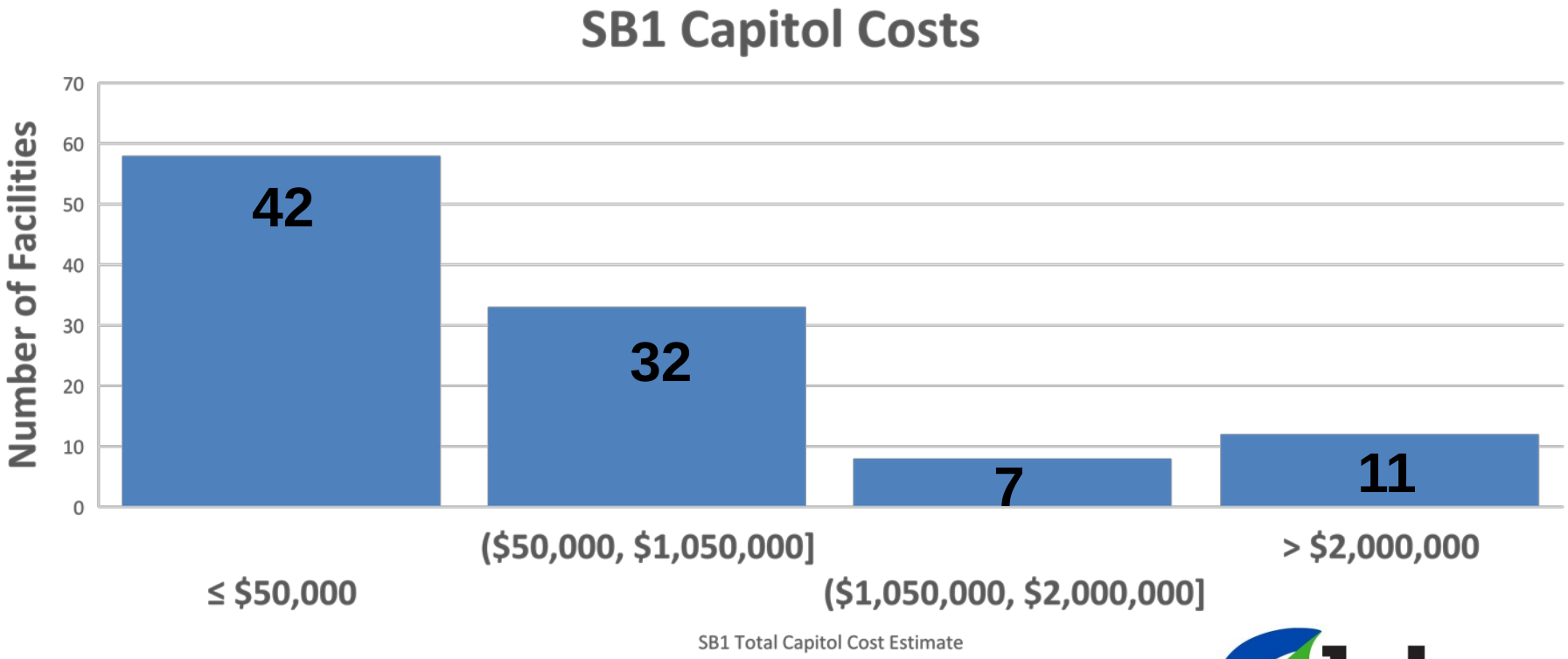
Type of Facility	Total Number	Number of Impacted		Annual Cost	Pounds of Phosphorus Removed Annually
		Facilities	Households	Per Household	Statewide
Major Municipal	239	92	1,609,232	$11.50	2,323,192
Significant Minor Municipal	100	55	79,994	$20.87	84,095
Minor Municipal	249	176	86,903	$21.46	106,102
Small Minor	1422	1330	51,440	$19.13	51,348
Industrial	1097	39	--	--	76,193
Total:	3107	1692	1,827,569		**2,640,930**

92 Major Facility Breakdown



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Lake Erie

Ohio has been working with researchers from The Ohio State University, the University of Toledo, Bowling Green State University and the National Oceanic and Atmospheric Administration (NOAA) to develop a science-based approach that uses **satellite data** that will serve as a credible model for Ohio to use in assessing the open waters of Lake Erie in our upcoming 2018 Integrated Report

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Lake Erie

Refining our Lake Erie assessment unit definitions to better reflect:

- variable characteristics
- ecosystems
- behavior of the Lake

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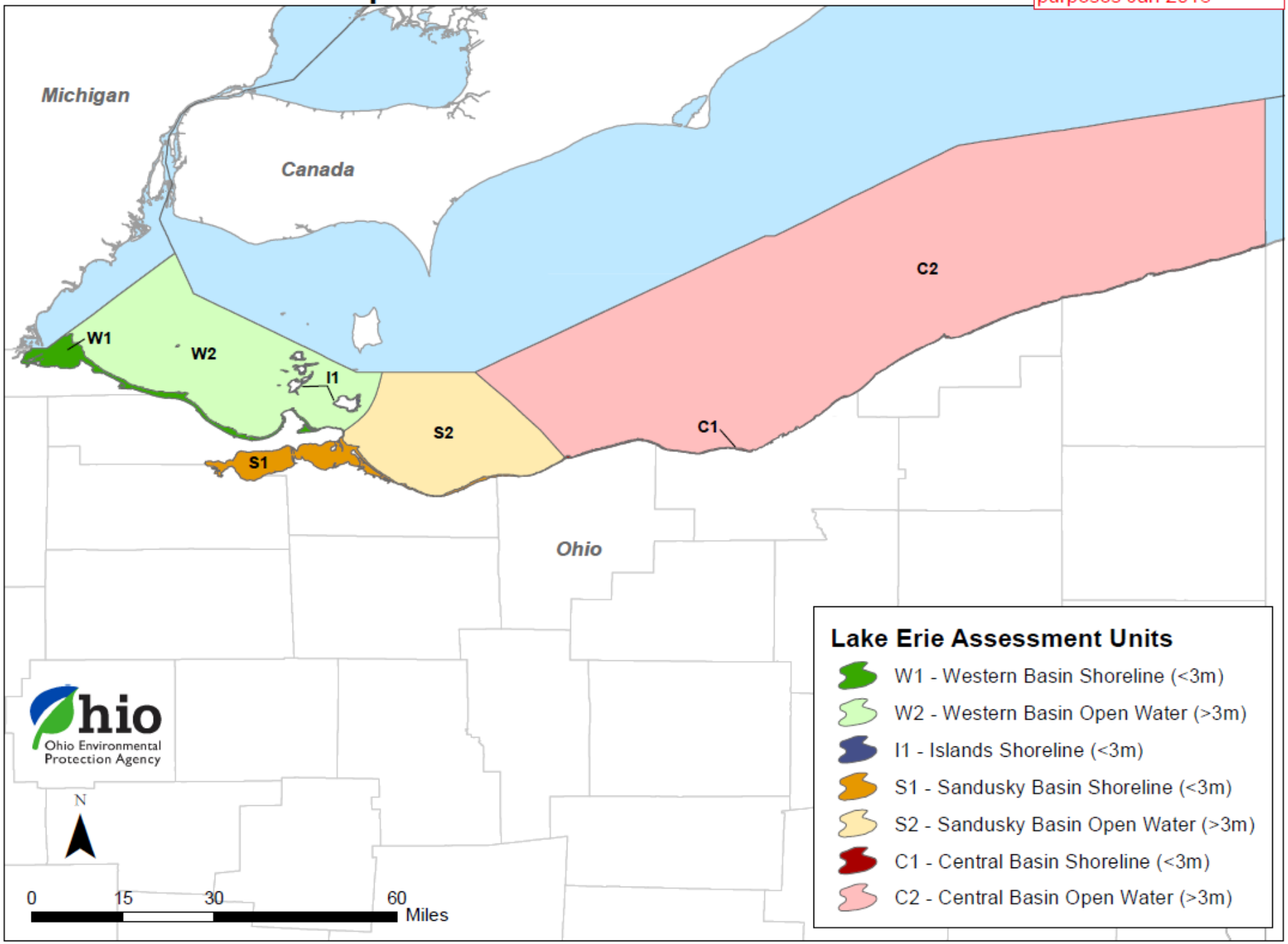
Proposed Ohio Lake Erie Assessment Units

draft for discussion purposes Jan 2018



Construction Storm Water General Permit (GP) Renewal

- 5th generation general permit
  - Public Notice Date: **February 9, 2018**
  - Public Hearing Date: **March 28, 2018**
  - Public Comment Period Ends: **April 4, 2018**

- To view draft general permit renewal:

  epa.ohio.gov/dsw/permits/GP_ConstructionSiteStormWater.aspx

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Combine 3 permits into 1

Permit Area incorporates special conditions of the Big Darby Creek watershed and Portions of the Olentangy River watershed as appendices.

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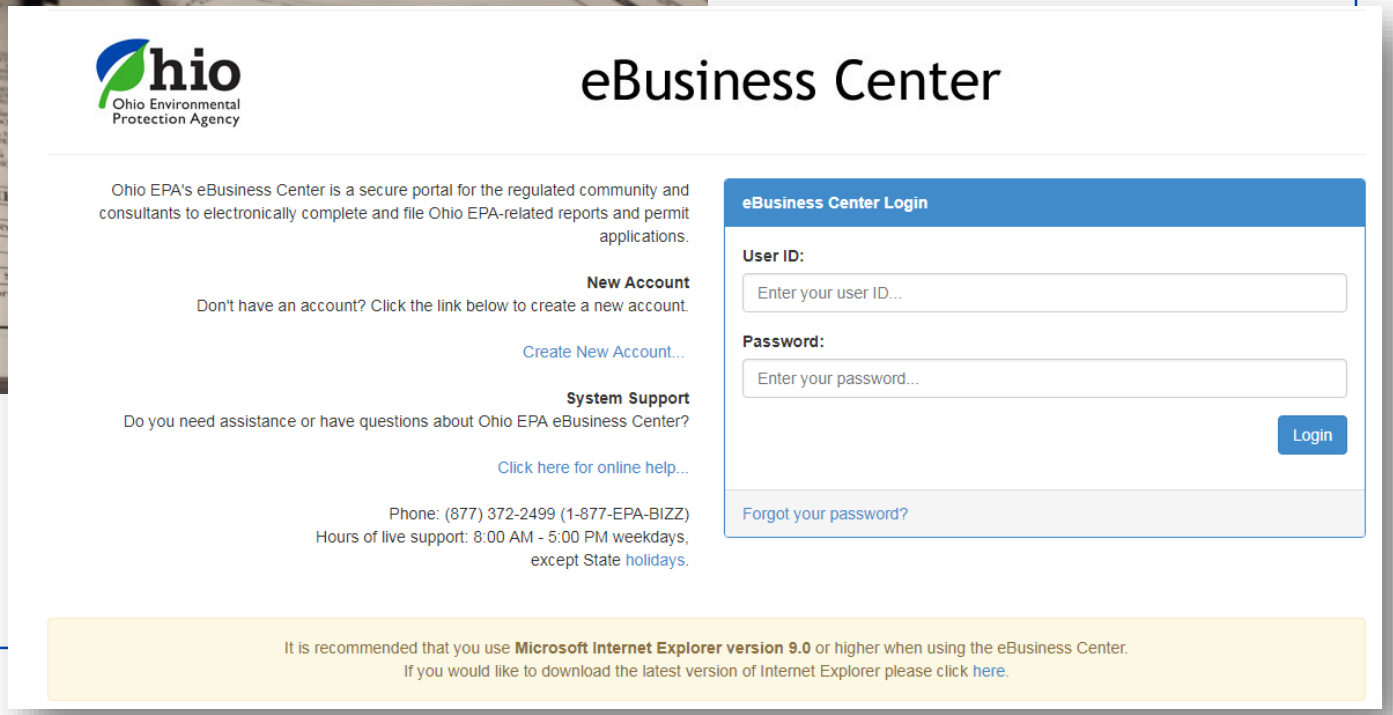
Electronic Submittal of NOI and Plans

Requires electronic submittal of all permit applications and initial Storm Water Pollution Prevention Plans (**SWP3**)



Oil & Gas Pipeline General Permit

- Installation of oil and gas linear transmission and gathering lines
  - Federally exempt from NPDES Storm Water
- Ohio EPA proposing a Non-NPDES Construction Storm Water general permit (CGP) under ORC 6111
  - Applicable to projects disturbing ≥ 5 acres

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Oil & Gas Pipeline General Permit

- Requires the development & implementation of a Storm Water Pollution Prevention Plan (SWP3)
  - Similar to standard CGP SWP3 requirements but revised to be more applicable to pipeline projects
    - No post-construction requirements
    - Alternative approaches to sediment basins

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Oil & Gas Pipeline General Permit

- Requires a Horizontal Directional Drilling (HDD) Contingency Plan
  - Planned HDD Crossings
  - Site Specific Information
  - Monitoring Procedures
  - Notification Procedures
  - Corrective Actions
  - Best Management Practices (BMPs)
  - Alternative Contingency Plan
  - Drilling Fluid Additives and Lost Circulation Materials (LCMs)
  - Disposal Considerations for Drilling Fluids and Drill Cuttings

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Operator Shortages

- Hosting a summit to address shortage of Certified Wastewater/Drinking Water Plant Operators in Ohio
- Education, training/apprenticeships, retention/succession planning, salaries, resource sharing, other barriers, etc

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2017 Sewer and Water Rate Survey

Office of Fiscal Administration

Sewer System	
Number of certified operators employed for your wastewater treatment works, including collection	
Number of uncertified employees assisting with operation of your facility	

Number of above employees in classification shown:	Number	Average Hourly Salary
WC1		$
WC2		$
WWA		$
WW1		$
WW2		$
WW3		$
WW4		$

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2017 Sewer and Water Rate Survey

Office of Fiscal Administration

Number of employees above eligible to retire in:	
Less than five years	
6-10 years	
More than 10 years	

Type of emergency power equipment in use	
Onsite Generator	☐
Portable Generator	☐
Multiple Independent Power	☐
None	☐
Other (specify below)	☐

Whitehouse Infrastructure Plan

The plan appears to be overly focused on federal distribution of funding

- Drinking water and wastewater infrastructure projects are administered by local governments, often small communities

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Whitehouse Infrastructure Plan

Ohio believes that funding administration at the state level is preferred

- Of the $200 billion in the plan, roughly 75% of the funding would be administered by the federal government, and 25% or less would be administered by the States
- To the greatest extent possible, this should be flipped, the States have a better perspective on State needs

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Whitehouse Infrastructure Plan

Ohio EPA is optimistic about the Rural Infrastructure Program element of the plan but would like to see a greater percentage of the overall funding directed toward this part

- Ohio EPA believes that this concept could be very beneficial to rural Ohio communities

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Whitehouse Infrastructure Plan

Ohio EPA considers drinking water, wastewater treatment, and brownfield remediation as "*essential infrastructure*". These are *essential* for public health and welfare, *and* for economic development

Ohio EPA is concerned that this essential infrastructure will get obscured with "other infrastructure" (bridges, tunnels, airports, ports, etc) and would like to see this as more of a specific priority in the final plan

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Questions?

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